

5.0 CONSULTATION AND COORDINATION

5.1 INTRODUCTION

All of the issues identified in Chapter 1.0, described in Chapter 3.0, and analyzed in Chapter 4.0 were the result of comments by BLM resource specialists. However, because this proposal was preceded in the last few years by numerous other proposals for seismic exploration in the Book Cliffs, including one project that included portions of the proposed project area, BLM resource specialists were familiar with public concerns and included them in their issue development process. The BLM resource specialists also had the advantage of compliance reports on several past projects, so that the resource specialists are familiar with impacts that actually occurred during past seismic exploration as compared to those predicted in the EAs prior to the exploration. Public notification was given by posting a notice on the BLM's electronic bulleting board on May 21, 2004, and copies of a preliminary EA were distributed to the BLM Vernal Field Office mailing list for NEPA documents to inform the public and elicit public comment.

5.2 PERSONS, GROUPS, AND AGENCIES CONSULTED

Table 5.1 List of All Persons, Agencies, and Organizations Consulted for Purposes of this EA.

Name	Purpose and Authorities for Consultation or Coordination	Findings and Conclusions
U.S. Fish and Wildlife Service (USFWS)	Informal consultation under Section 7 of the <i>Endangered Species Act</i> (16 U.S.C. 1531) for listed and proposed for listing plant and animal species	The USFWS provided a list of threatened, endangered, proposed, and candidate species that may occur in the project area. Additional informal consultation occurred during preparation of the EA, BLM determined the Proposed Action would result in "no effect" to Mexican Spotted Owl and "not likely to adversely affect" for bald eagle and black-footed ferret. On October 5, 2004, the USFWS concurred with these determinations and completed consultation.
Utah State Historic Preservation Office (SHPO)	Consultation for undertakings, as required by the <i>National Historic Preservation Act</i> (NHPA) (16 U.S.C. 470)	The SHPO has been provided with a copy of the results of the Class III cultural resources survey. The results of consultation are presented in the Decision Record for this EA.
Nine Tribes affiliated with the Uinta Basin	Consultation as required by the <i>American Indian Religious Freedom Act of 1978</i> (42 U.S.C. 1531) and NHPA (16 U.S.C. 1531)	The nine Tribes were provided copies of the EA. The Hopi Tribe provided comments (refer to Section 5.3). As of today, no traditional cultural properties have been identified by the Native American organizations contacted for this project.
Utah Division of Wildlife Resources (UDWR)	Informal consultation to obtain information on population status and potential impacts to pronghorn, prairie dogs, raptors, Mexican spotted owl, and black-footed ferret	UDWR comments form the basis for wildlife resources in Chapter 3.0 of this EA.

5.3 SUMMARY OF PUBLIC PARTICIPATION

Public notification was initiated with the posting of the project on the BLM's environmental notification bulletin board on May 21, 2004. A 30-day public comment period was offered which ran from August 23, 2004 to September 21, 2004.

5.3.1 Comment Analysis

The BLM received six comment letters in response to circulation of the preliminary EA. The comment letters offer recommendations ranging from approval to non-approval of the Proposed Action. Several comments recommended additional analysis of resource issues and/or consideration of additional action alternatives. Responses to these comments are included in Section 5.3.3, and appropriate changes to the EA have been made. Any changes that could affect potential impacts have been analyzed in Chapter 4.0 of the EA. None of the edits changed the analysis in the EA sufficient to warrant an additional public review period.

5.3.2 List of Commenters

The following is a list of individuals/organizations that provided comments on the preliminary EA.

- Uintah County Commission
- Westport Oil and Gas Company, L.P.
- EOG Resources, Inc.
- Hopi Tribe
- Southern Utah Wilderness Alliance
- David Handwerger, Ph.D.

5.3.3 Response to Public Comments

Comments submitted by the Uintah County Commission, Westport Oil and Gas Company, L.P., and EOG Resources, Inc. all recommended approval of the Proposed Action, and require no response. Comments requiring a response that were submitted by the Hopi Tribe, the Southern Utah Wilderness Alliance, and David Handwerger, Ph.D. are responded to below. The comments are summarized and addressed by resource area or general topic.

5.3.4 NEPA Compliance, Purpose and Need, and Range of Alternatives

Comment: The EA analyzes only the Proposed Action and the No Action Alternative. NEPA requires a wider range of alternatives; therefore, the EA does not comply with NEPA.

Response: In addition to the Proposed Action and the No Action Alternative, four additional alternatives were considered. Upon examination, however, these alternatives were eliminated from further analysis as explained in the EA at 2.4. The applicability of these additional alternatives were evaluated based on the purpose and need for this project and issues raised in scoping for this project and previous geophysical survey proposals. This satisfies the requirement in 40 C.F.R. 1502.14(a) to rigorously explore and objectively evaluate all reasonable alternatives.

Comment: The EA should analyze an alternative that would limit seismic exploration to existing roads and trails.

Response: Limiting seismic exploration to existing roads and trails would not provide reliable data and would not meet the purpose and need of the project (EA at 2.4.3). At the request of BLM, an independent evaluation of the proponent's fold plot analysis has been completed by qualified experts at Interactive Earth Sciences Corporation. The results of this evaluation are summarized in Section 2.4 of the EA. This evaluation is available for review at the BLM Vernal Field Office.

Comment: BLM is obligated under the Federal Land Policy and Management Act (FLPMA) to manage public lands for multiple use.

Response: BLM is, indeed, obligated under FLPMA to manage public lands for multiple use. As stated in the EA at 3.1, the project area "...is used primarily for oil and gas production, livestock grazing, wildlife habitat, and recreation..." and "The entire area is open to ORV use." Seismic exploration proposed by Dawson would not impact these uses other than in the short term that, in most cases, would be limited to the approximately 2-3 months during which the seismic exploration would take place.

Comment: The EA should analyze an alternative that eliminates the 7,147 acres in the proposed White River ACEC from seismic exploration.

Response: Analysis of potential impacts for this project has resulted in the disclosure of minimal impacts to the human environment within the project area. Impacts to resources that individually and/or together have met initial criteria for ACEC designation have been analyzed in this EA. With the application of ACEPMs, the temporary to short-term effect of completing the seismic survey will not affect the values of those resources for which the ACEC designation is being sought.

Comment: The EA should analyze an alternative that eliminates the 916 acres of lands with wilderness characteristics from seismic exploration.

Response: Impacts to resources that individually and/or together are considered as having wilderness characteristics have been analyzed in this EA. With the application of ACEPMs, the temporary to short-term effect of completing the seismic survey will not affect the values of those resource values. Elimination of seismic exploration these 916 acres would not allow for the collection of data adequate to satisfy the purpose and needs of the project.

5.3.5 Floodplains

Comment: The EA only specifically mentions Coyote Wash, and neglects to mention the actual distance by which floodplains would be avoided.

Response: The EA at Figure 3.3 identifies all floodplains in the project area. The only issues regarding floodplains that were identified during scoping were: (1) impacts to floodplain functions; and (2) impacts to banks of Coyote Wash. Both of these issues were addressed in the EA at 4.2.1.4 and found to result in negligible impacts. Based on the impacts of past seismic projects to floodplains, avoidance of floodplains is unnecessary under most circumstances. As stated in the EA at 4.2.1.4, high, steep banks along Coyote Wash would be avoided by vehicular traffic and an area with lesser grade would be used for crossing the wash.

5.3.6 Soils

Comment: The analysis that predicts that reclamation should be successful is flawed.

Response: As discussed in the EA at 4.2.1.6, "...final compliance inspection reports for work done under the Veritas EA...all report that impacts to soils were overwhelmingly minimal/negligible, and that no reclamation or seeding was required on any of the lines."

5.3.7 Wildlife

Comment: The EA should analyze an alternative that eliminates from seismic exploration the 440 acres of lands within the Black-footed Ferret Coyote Basin Primary Management Zone.

Response: There is no reason to avoid the Primary Management Zone . As explained in the EA at 4.2.1.8, seismic exploration has been found to have negligible impacts to prairie dog burrows and no adverse impacts to prairie dog populations. In addition, the EA at 3.2.2.4 states that the greatest concentration of prairie dogs occurs east of the project area. The wording in section 3.2.2.4 regarding prairie dog distribution has been modified slightly to reflect this more clearly. Finally, that portion of the Primary Management Zone contains no prairie dog colonies and is not likely to provide habitat for black-footed ferrets (EA at 3.2.1.3).

Comment: It is erroneous to presume that wildlife habitat disturbance would be limited to 493 acres.

Response: The EA does not presume that wildlife habitat disturbance would be limited to 493 acres. The 493 acres is identified as the area of native habitat directly disturbed by project-related activities. The EA at 4.2.1.8 discusses much larger areas where temporary disturbance/displacement would occur. It cites, for instance, studies that concluded that temporary pronghorn displacement would likely be about 0.5 mi. Similar information is presented for raptors and other birds.

Comment: It is erroneous to conclude that Dawson's commitment to neither allow its employees to carry firearms, harass wildlife, or engage in unnecessary off-road driving would negate any project-related poaching or harassment of wildlife.

Response: There is no evidence that any harassment of wildlife or significant amount of off-road driving has occurred on any of the numerous seismic exploration projects that have occurred in the Uinta Basin in the last few years. In addition, the project area is open to off-road driving by anyone who wishes to participate in such activity, so project-related personnel would be under greater restraint than the general

public. Such restrictions placed on project personnel would not negate all disturbance to wildlife. Disturbance to wildlife is acknowledged and described in the EA at 4.2.1.8. The restrictions would, however, eliminate unnecessary disturbance to wildlife by project personnel.

Comment: A more truthful interpretation of the tracks depicted in Figure 4.6 would be that the animals were fleeing the area because of seismic operations.

Response: The tracks depicted in Figure 4.6, along with other evidence presented in the last paragraph of the EA at 4.2.1.8, indicate that wildlife remained in an area of active drilling during seismic exploration.

Comment: The EA fails to adequately analyze impacts to pronghorns.

Response: The EA discusses disturbance--direct impacts to habitat, displacement, etc.--to pronghorn and, based on literature, concludes that impacts from the project would be short-term and would not affect pronghorn populations (EA at 4.2.1.8). It is important to remember that the seismic exploration will be completed in 2-3 months during the fall and perhaps early winter. The fact that the pronghorn population in the project area has been reduced by about 50% during the last few years is acknowledged in the EA at 3.2.2.4, as is the statement by Utah Division of Wildlife personnel that the reduction is at least partially attributable to the drought.

Comment: The EA's discussion of prairie dogs is inconsistent.

Response: The statement in the EA at 3.2.2.4 has been revised to clarify its meaning. The project area includes a portion of the Black-footed Ferret Coyote Basin Primary Management Zone, and this statement addresses that portion of the Black-footed Ferret Coyote Basin Primary Management Zone that occurs to the east, and outside of, the boundaries of the project area.

Comment: BLM relied on the fact that the seismic exploration project would begin by September 1, 2004, to abbreviate its impact discussions for a variety of wildlife and special status species. The EA also states that if the project did occur during the breeding season, impacts could be completely mitigated through surveys.

Response: The EA did anticipate the start of seismic exploration about September 1, 2004; however, the possibility that the project could be delayed until spring 2005 was addressed for wildlife species (EA at 4.2.1.8) and threatened, endangered, proposed, candidate, and special status species (EA at 4.2.1.3). Further, the EA at 4.2.1.8 and 4.2.1.3 states that complete mitigation would be accomplished by avoiding nests. Surveys are not mitigation *per se*; rather, they identify areas to be avoided, and that avoidance serves as mitigation.

5.3.8 Cultural Resources

Comment: The Hopi Tribe opposes all ground-disturbing activities on BLM land with the potential to disturb the human remains and associated funerary objects of its ancestors, and requests copies of the Class I and Class III cultural resource reports.

Response: The Hopi Tribe's objection to all ground-disturbing activities is noted. BLM does require Class III cultural resource surveys on all lands that are proposed for disturbance, and is obligated to follow all federal laws and regulations regarding cultural resources, including the *Native American Graves Protection and Repatriation Act*.

The Class I survey is summarized in the EA at 3.2.1.1. The Class III survey report (which also includes the results of the Class I survey) is available from the BLM Vernal Field Office.

5.3.9 Native American Religious Concerns

Comment: The preliminary EA should have disclosed the results of Native American consultation.

Response: Results of Native American consultation are included in the EA at 4.2.1.2 and Table 5.1 of this EA.

5.3.10 Threatened, Endangered, Proposed, Candidate, and Special Status Species

Comment: The EA fails to disclose which Mexican spotted owl habitat models it relied upon.

Response: The EA at 3.2.1.3 states what each of the two Mexican spotted owl models revealed as far as potential nesting habitat. In practice, it is the policy of the USFWS to use both models in making a final habitat assessment, as well as on-site inspections of the habitat. However, this project is scheduled to occur outside of the breeding season, no verified sightings of Mexican spotted owls have been recorded in the Book Cliffs Resource Management Area, and no critical habitat or protected activity centers have been identified (EA at 4.2.1.3). If seismic exploration is delayed until the breeding season for Mexican spotted owl begins, impacts would be mitigated by avoiding potential breeding habitat by 0.5 mi (EA at 4.2.1.3). The U.S. Fish and Wildlife Service concurs with this determination.

Comment: The EA dismisses the possibility that black-footed ferrets would be killed as a result of the Proposed Action.

Response: The EA concludes that there would be no impact to black-footed because of a lack of suitable habitat in the project areas and in that portion of the Primary Management Zone that would be included in the seismic exploration. This is explained in the EA at 3.2.1.3. The U.S. Fish and Wildlife Service concurs with this determination.

Comment: The EA minimizes the possibility that corn snakes would be adversely affected.

Response: The analysis indicates that the corn snake would unlikely be adversely affected "...because it is most often found in habitats associated with riparian areas and is secretive, nocturnal, and spends much of its time in rodent burrows."

Comment: The EA fails to provide adequate information on which to base a decision as to the impacts of the Proposed Action on greater sage-grouse.

Response: The EA at 3.2.1.3 discloses that no greater sage-grouse leks occur in the project area, but that greater sage-grouse do inhabit the area and likely nest there. However, the project will occur outside of the nesting season, so the only impacts to the species would be temporary disturbance/displacement that

would have negligible impacts (EA at 4.2.1.3). If the project did occur during the nesting season, impacts would be completely mitigated by avoiding activities in suitable nesting habitat within 2 mi of an active greater sage-grouse lek (EA at 2.2.6.6 and 4.2.1.3).

Comment: The EA fails to provide adequate information on which to base a decision as to the impacts of the Proposed Action on special status species, raptors, and other bird species should the project be implemented in the spring or summer.

Response: As with the previous response, the EA discloses a listing of special status species, including sensitive migratory birds, in the EA at 3.2.1.3, and a listing of other birds and raptors in EA at 3.2.2.4. Impact analysis is included in the EA at 4.2.1.3 and 4.2.1.8. Because of the timing of the seismic exploration (outside the breeding/nesting season), impacts to bird species would be negligible either because migratory birds would have left the area or because only temporary disturbance/displacement would occur. If the seismic exploration was delayed until the spring, adequate mitigation is included to avoid nesting birds. Similar analyses are included for other special status species.

5.3.11 Cumulative Impacts

Comment: The cumulative impact analysis in the EA does not fully analyze and consider the resulting cumulative impacts as required by NEPA.

Response: Appropriate analysis of cumulative impacts is presented in the EA at 4.3.

5.3.12 Compliance and Monitoring

Comment: There should be a detailed compliance and monitoring plan provided to the public prior to preparing the Decision Record.

Response: Requirements for compliance and monitoring are addressed in the DR/FONSI attached to this EA.

5.3.13 Recreation

Comment: The EA should analyze an alternative that eliminates from seismic exploration the 10 acres in Fantasy Canyon.

Response: The EA at 4.2.1.9 discloses that no source points (shot holes or vibroseis points) would be located less than 660 ft from the Fantasy Canyon No Surface Occupancy area to ensure that the geologic formations would not be damaged. No additional avoidance is necessary to ensure the integrity of Fantasy Canyon.

Comment: The EA dismisses the severity of impacts to the proposed White River ACEC and lands with wilderness characteristics.

Response: The impacts were analyzed and determined to be short-term and negligible to low. Impacts from past seismic exploration in the area have been short-term, negligible to low, and are expected to be the same for the Coyote Wash project (EA at 2.4.4).

5.4 LIST OF PREPARERS

Table 5.2 List of Preparers.

Organization/Name	Title	Responsible for the Following Section(s) of this Document
Consultants		
TRC Mariah Associates Inc.		
Roger Schoumacher	Project Manager	Overall EA preparation and management
Tamara Keefe	GIS Specialist	Cartography/GIS
Genial DeCastro	Document Production Supervisor	Document Production
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Gus Winterfeld	Paleontologist	Paleontology
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Ron Kass	Botanist	<i>Sclerocactus glaucus</i> surveys

Table 5.2 (Continued)

Organization/Name	Title	Responsible for the Following Section(s) of this Document
BLM		
Veronica Herkshan	NEPA/Planning Coordination	Project Management
Robert Specht	Natural Resources Specialist	Vegetation, TEPC And SS Plants
John Mayers	Geologist	Paleontology
Duane DePaepe	Assistant, Planning	ACEC, Wilderness
Blaine Phillips	Archaeologist	Cultural Resources
Tim Faircloth	Wildlife Biologist	Wildlife, TEPC and SS Animals
Karl Wright	Natural Resources Specialist	Floodplains
Kim Bartel	Recreation Planner	Recreation
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